



March 1, 2004

Mr. Kelly Diekmann  
Department of Community Development  
456 West Olive  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

RE: Conditional Use Permit Appeal  
Permit Application # 2003-0947  
APN 211-25-003  
211-25-002

Dear Sir or Madam:

My name is Vimal Kumar and I am the owner of the above referenced property.

The applicant, Fonzy Kuo, represents a restaurant that will be occupying the premises. By this letter I am formally registering an appeal to the approval, most specifically to what I believe is an inconsistency and an inaccurate application of the parking ratio to the premises.

In several places within the staff report the building square footage is correctly defined as 6866 ground floor with a basement of 4502 square feet.

The basement use in the conditions of approval is *specifically restricted to office and restaurant storage*, a parking requirement that varies significantly from the 1 space per 110 square feet for the restaurant portion of the property.

The approval was granted based upon a requirement of 1 space per 110 square feet *calculated on both the ground and basement of the premises. This is not an accurate assessment of the parking requirement for the project. This incorrect analysis is the basis for my appeal.*

I do quite obviously support the project and the use. My concern however rests with the increased parking requirement potentially impacting future redevelopment opportunities for both my hotel and the site.

I appreciate in advance your correction of this issue and I am hopeful that this can be resolved at a staff level as my tenant is anxious to proceed with his construction.

I can be reached at 408.735.7800 if you have any questions or comments.

Sincerely,

Vimal Kumar

